

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David Novak,

Civil No. 02-935 (RHK/SRN)

Plaintiff,

v.

ORDER

Rob Mundt, T.C. Outlaw, G.L. Hershberger,
Dr. M.A. Gray, Bill Wood, L. Mann, Alan
Jorgenson, L. Maiden, G. Kirkland, Joe Van Rooy,
Lt. S. Davenport, R.N. K. Alford, C. Burns,
K. Delano, Michael Isaacson, P.A. L.K. Brandt,
and E. Emmerich,

Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated May 10, 2005. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation (Doc. No. 124) is **ADOPTED**;
2. Defendants' Motion to Dismiss or for Summary Judgment (Doc. No. 95) is **GRANTED**.

Dated: May 31, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge